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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,616	10/06/2003	Joseph Edward Currie		9441

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EXAMINER

MULLEN, THOMAS J

ART UNIT PAPER NUMBER

2632

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/678,616

Applicant(s)

CURRIE, JOSEPH EDWARD

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The amendment filed 1/4/06 has been fully considered.
2. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the sheer number of changes presented by applicant on pages 2-14 of the response make it difficult to enter all the changes properly, and because it is in fact unclear how some of the changes intended by applicant are to be entered. For example, it is unclear if paragraph 10 of the specification (as amended) is intended to now precede paragraphs 6-9 of the specification (as amended), based on the instruction "Please replace deleted paragraph [06] with amended paragraph [10]", on page 4 of the response; and, several paragraphs of the original specification are presented with no apparent changes shown by underlining and/or strike-through (including paragraphs preceded by the instruction "Please delete paragraph [...] that starts with..."), whereby the status of these paragraphs is uncertain.

The substitute specification is a "clean" version of the specification having the intended changes (i.e., without markings). A statement that "the substitute specification contains no new matter" must also be supplied. Numbering (or re-numbering) the paragraphs of the specification of record is not considered a change that must be shown.

In addition, a second copy of the substitute specification must be submitted, with markings showing all the changes relative to the immediate prior version of the specification of record (the text of any added subject matter being shown by underlining the added text; the text of any deleted matter being shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters, i.e. the text of any deleted subject matter being shown by being placed within double brackets if strike-through cannot be easily perceived). In this case, the changes presented by applicant on pages 2-14 of the response filed 1/4/06--if modified to include any further changes which are necessary as identified in paragraphs 4 and 6 below--can serve as the "marked-up copy".

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. The amendment filed 1/4/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: in paragraph 07, lines 3-4, "a combination translucent or opaque combination lens and cover" (see the discussion in paragraph 5 below).

Applicant is required to cancel the new matter in the reply to this Office Action.

5. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 11, part (a), the recitation of a "transparent or opaque combination lens/cover" is considered "new matter", in that the disclosure as originally filed merely included the teaching of "a translucent plastic cover, or combination cover and lens" (claim 3, part (f) as originally filed). For one thing, it is unclear how the "combination lens/cover" can serve the originally-disclosed purpose of "diffus(ing) and defocus(ing) light from the...light sources" when it is either "transparent" alone, or "opaque" alone (as implied by the recitation "transparent or opaque"); further, a mixed arrangement of transparent and opaque areas, which together might constitute a "lens/cover" that partially obstructs light, isn't considered to be supported by the original, more general term "translucent".

6. The disclosure (as amended) is objected to because of the following informalities:

paragraph 09, line 5, it is unclear what is meant by "and to the segmented increase of the directional lights", i.e. it is unclear how this phrase relates to what is previously discussed on lines 1-5 of the paragraph (the time delays associated with "the increasing or decreasing illumination of the display"), and "segmented increase" is vague as to the manner in which it pertains to "the directional lights";

paragraph 17, line 5, it appears that "lens cover" should be --lens/cover--;

paragraph 17, line 7, it appears that "2A" should be --Fig. 2A--;

paragraph 17, lines 8-9, it is unclear whether the sentence starting with "During" (line 9) is intended to be the start of a new paragraph (if so, it should be provided with its own paragraph number, and the later paragraphs renumbered accordingly);

paragraph 17, line 11, "though" should be --through--;

paragraph 17, line 15, after "speed control system" should be inserted --at 79--, to identify the corresponding element in Fig. 2C of the drawings;

paragraph 18, lines 7-10, it appears that some reference to a "contact 81" should be inserted in the sentence discussing relays "K3" and "K7" (note the correspondence between element 81 and elements K3 and K7 in Figs. 2D and 2A, respectively);

paragraph 18, lines 11-12, the phrases "the normally open contact of 82 at 55" and "operating relay K8 at 82" leave unclear what type of element is intended to be identified in the drawings by reference numeral 82 (which appears in both Figs. 2A and 2D); and

paragraph 18, last line, it appears that "K5" should be --relay K5--.

Appropriate correction is required.

7. The drawings are objected to because it is unclear from applicant's remarks, and the submitted drawing sheets (both "replacement" and "annotated") of the response filed 1/4/06, whether the previously submitted drawing figures 1(B), 3A and 3B (as filed 1/20/04) are, in fact, intended to be deleted--i.e., applicant has not explicitly stated or requested that these figures are to be deleted.

8. The drawings as filed 1/4/06 are objected to because:

in Fig. 1A, it is unclear whether the oval-shaped elements represent the LEDs of Fig. 2A, the LEDs of Fig. 2B, or both; it is considered that at least a general depiction of both sets of LEDs (with accompanying different reference numerals for each set) should be shown on the "display" 25;

in Fig. 1A, if the "lens/cover" is being depicted by the rounded lines at the ends of "display" 25, then the corresponding reference numeral 3 should be added to identify the lens/cover;

in Fig. 1B, it is unclear which disclosed elements are represented by the small square adjoining boxes, at one edge of the larger rectangle (which apparently represents "display" 25), i.e. reference numerals should be added to identify the small square adjoining boxes; and

in Fig. 2A, reference numerals should be added for the LEDs and resistors, respectively (as applicant has done in Fig. 2B)--note that if the LEDs in Fig. 2A are different than the LEDs in Fig. 2B (by virtue of one set of LEDs being the "single color" type and the other set of LEDs being the "dual color" type), then a different reference numeral should be for the LEDs in Fig. 2A than was used for the LEDs (8) in Fig. 2B (see the discussion of Fig. 1A above).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. Claim 11 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On lines 2-3, the phrase in parenthesis "(engine power indication)" merely repeats the phrase recited before it, and should therefore be deleted to improve clarity (i.e., the phrase in parenthesis does not serve to further define the invention).

At various points in the claim, an occurrence of the word "a" should instead be --an--; note "a illuminating" (part (a), line 2), "a associated" (part (d), line 1), "a off" (part (f), line 1 and

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part (h), line 1), "a engine" (part (g), last line), "a electrical" (part (h), line 2), and "a on" (part (i), line 2).

In view of the term "where" on line 5, later recitations of "and where" (see the first line in each of parts (b)-(n)) are already implied, and should be deleted to improve clarity.

In part (b) of the claim, line 2 and part (c) of the claim, last line, "include" should be --includes--.

In part (j) of the claim, line 1, "Leds" should be --LEDs--.

10. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where claim 11 begins, "A multi-function illuminating display device" (see line 1), the repeated use throughout the claim of the phrase "the multi-function illuminating display device" is superfluous and should be deleted to improve clarity (e.g., in the phrase "the illuminating means of the multi-function illuminating display device", the underlined portion is already implied), or in some instances should be replaced by a recitation of a particular element(s) of the device to improve clarity; for example, with respect to the limitation in part (a), it would be clearer to recite that the "the multi-function illuminating display device" comprises a housing (depicted as 25 in Fig. 1A), and that the housing "is equipped with a...combination lens/cover on (an) illuminating (surface thereof)" (as shown in Fig. 1B)--see paragraph 11 below.

Where lines 2-4 of the claim recite a "means to display" which includes all four types of indications/signals/displays, later references to "the illuminating means" (see parts (b) and (c), relating to an engine power/brake light display and a turn signal/park light display, respectively) lack clear antecedent basis, and are generally unclear as to whether each type of display (as set forth in parts (b) and (c), respectively) has its own "illuminating means"--e.g., separate sets of LEDs for the display of part (b) and for the display of part (c), respectively. It would be clearer to recite a "first illuminating means" and a "second illuminating means" in association with the "means to display" on lines 2-4, and to refer back to "said first illuminating means" and "said second illuminating means" in later parts of the claim (e.g. parts (b) and (c)), as needed--see

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paragraph 11 below. (Both types of "illuminating means" are already implicitly defined in claim 11, by the "horizontal row(s) of...LEDs" recited in parts (g) and (k), respectively.)

In part (d), lines 1-2, it is unclear how an electronic circuit is capable of "provid(ing) manual adjustment", i.e. how the circuit itself (rather than a person) "manual(ly)" adjusts the "electrical parameters" associated therewith; perhaps "provides" should be --enables--, or something similar.

In part (d), lines 2-3, it is unclear what is meant by "the high and low end of an... indication"; perhaps "end" should be followed by --limits-- (see part (e), line 3).

In part (d), line 3, it appears that "wherein" would be clearer as --within which--.

In part (e), line 1, "the engine power illumination function" lacks clear antecedent basis; perhaps "illumination function" should be --indication--.

Likewise, in part (e), last line, perhaps "illuminating" should be --indication-- (or --indication's--).

In part (e), "selected and adjusted" (two occurrences) is vague as to how each of the terms "selected" and "adjusted" are intended to further limit the claim (as opposed to just using a single one of these terms); it appears that "manually adjusted" would be clearer in each occurrence, see part (d), line 2.

In parts (f), (h) and (i), "is controlled to (an) off condition" is vaguely worded; it appears that simply using the phrase --is turned off-- would be sufficient in each case.

In part (j), line 3, it is unclear how "displace" further defines the associated limitation.

11. The following claim is drafted by the examiner (consistent with claim 11 presented by applicant on 1/4/06, but modified in view of the issues raised in paragraphs 5, 9 and 10 above), and is considered to distinguish patentably over the art of record in this application, and is presented to applicant for consideration:

A multi-function illuminating display device for a motor vehicle, including a housing, first illuminating means on said housing to display an inverse function engine power indication combined with a brake light signal means, and second illuminating means on said housing to



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display left and right directional turn signal means combined with left and right park light display means, wherein:

- a. said housing is equipped with a translucent combination lens and cover over an illuminating surface of said housing;
- b. the first illuminating means includes a horizontal row of single-color red light emitting diodes (LEDs);
- c. the second illuminating means includes a horizontal row of dual-color red/amber LEDs;
- d. the engine power indication has an associated electronic circuit that enables manual adjustment of electrical parameters that define the high and low end limits of an engine power indication operating range within which the red LEDs operate as the engine power indication;
- e. the red LEDs when operating as the engine power indication do not operate above the manually adjusted high end limit, or below the manually adjusted low end limit, of the engine power indication operating range, and are sequentially activated and deactivated in inverse proportion to the engine power within the operating range;
- f. the engine power indication is turned off by the associated electronic circuit during input to the associated electronic circuit of a vehicle brake light signal;
- g. a vehicle brake light signal input to the associated electronic circuit is displayed by illuminating the horizontal row of red LEDs;
- h. the engine power indication is turned off by the associated electronic circuit during input to the associated electronic circuit of an electrical signal designating a left or right side vehicle turn;
- i. the engine power indication is turned off by the associated electronic circuit during the time a vehicle speed control system is turned on and a hold speed is selected in use of the vehicle speed control system;
- j. the horizontal row of red LEDs when operating as the engine power indication are illuminated at a left end LED and a right end LED at a nominal brake light intensity, and are illuminated in corresponding pairs of successive adjacent LEDs, from the left end toward the

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center of the horizontal row and from the right end toward the center of the horizontal row, at noticeably decreasing levels of illuminating intensity;

k. activating the left and right directional turn signal means comprises illuminating the left half and the right half, respectively, of the horizontal row of dual-color red/amber LEDs;

l. the number of red/amber LEDs that illuminate to indicate a signaled left or right turn progressively increases starting with the center of the horizontal row of red/amber LEDs and progressing toward the end of the horizontal row of red/amber LEDs corresponding to the direction of the signaled turn, all such LEDs then being extinguished before the sequence is repeated;

m. the horizontal row of red/amber LEDs when operating as the turn signal means are illuminated at a nominal brake light intensity; and

n. in the absence of a left or right directional turn signal indication, the horizontal row of red/amber LEDs will illuminate in a red color at a nominal park light intensity.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
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